



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,793	08/09/2000	Zeeman Zhang	99482	5219

7590 06/21/2004

Mark G. Knedeisen, Esquire  
Kirkpatrick & Lockhart, LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222-2312

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/21/2004

46

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/634,793

**Applicant(s)**

ZHANG ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-39 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 4-11, 13-18, 20-24, 26-28 and 30-39** are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler, Jr et al. (US 5,572,583).

Regarding **claim 1**, Wheeler discloses a network for providing a telecommunications service with automatic speech recognition (SPEECH RECO 205 on FIG. 4B) to a telecommunications user (C on FIG. 3) and a calling party (column 1, lines 15-20), (which reads on “an advanced intelligent network with intelligent peripherals interfaced to the integrated services control point”), comprising:

a switch (SSP 13 on FIG. 3) in communication with a telecommunications device (C on FIG. 3) associated with the telecommunications user for detecting a terminating trigger (column 9, line 43 “triggering events”) specific to the telecommunications service (column 9, line 40 “AIN services”) in response to an incoming communication (column 9, line 43 “processing of calls”) to the telecommunications device from the calling party (column 9, lines 34-44) [The SSP 13 detects triggering events regarding of an AIN services while processing a call from station A to station C]; and

an intelligent resource server (IP 35 on FIG. 3) in communication with the switch for receiving the incoming communication from the switch (column 15, line 16 "receives the call"), for placing an outgoing communication (column 15, line 30 "a prompting message") to the telecommunications device via the switch, the outgoing communication including at least one of:

a first audible message identifying the calling party, wherein the intelligent resource server is configured for automatically recognizing a predetermined keyword spoken by the telecommunications user in response to the first message, and a second audible message (column 18, line 30 "provide synthesized speech prompts") prompting the calling party to modify a call forwarding profile (column 18, line 33 "a new forwarding number"), wherein the intelligent resource server is further configured for automatically recognized a predetermined keyword spoken (column 18, line 1 "speech inputs") by the calling party in response to the second message (column 17, line 65 to column 18, line 35) [The IP 35 prompts the caller to modify services and receives new forwarding number updating the service control data for forwarding the call since the outgoing limitation discloses at least one the examiner chooses modifying the forwarding service].

Regarding **claims 2 and 11**, Wheeler discloses the switch includes an SSP switch of a central office in communication with the telecommunications device via a subscriber line (SSP 13 on FIG. 3).

Regarding **claims 4 and 13**, Wheeler discloses a service control point in communication with the switch (ISCP 40 on FIG. 3).

Regarding **claims 5 and 14**, Wheeler discloses the switch is further for sending a query message to the service control point in response to detecting the terminating trigger (column 16, lines 38-64); and

the service control point is for returning a message to the switch to route the incoming communication to the intelligent resource server (column 16, lines 38-64).

Regarding **claims 6 and 15**, Wheeler discloses the service control point is further for returning the message to the switch to route the incoming communication to the intelligent resource server based on a determination of whether the telecommunications user is a subscriber of the telecommunications service (column 17, lines 1-9).

Regarding **claims 7, 16, 23, 30 and 37**, Wheeler discloses the intelligent resource server is further for processing the incoming communication based on recognition of the predetermined keyword (column 18, lines 1-4).

Regarding **claims 8, 17, 31 and 38**, Wheeler discloses the intelligent resource server is further for forwarding the incoming communication to the telecommunications device based on recognition of a first predetermined keyword (column 12, lines 60-67).

Regarding **claims 9, 18, 24, 32 and 39**, Wheeler discloses the intelligent resource server is further for forwarding the incoming communication to a messaging system associated with the telecommunications user based on recognition of a second predetermined keyword (column 15, lines 41-60).

Regarding **claim 10**, Wheeler discloses all the limitations of **claim 10** as stated above in **claim 1** and furthermore discloses a call processing module (IP 35 on FIG. 3) and an automatic speech recognition module (SPEECH RECO 205 on FIG. 4B).

Regarding **claims 20, 26, 33 and 36**, Wheeler discloses a DTMF decoder module in communication with the switch for recognizing a predetermined DTMF character entered by the telecommunications user in response to the outgoing communication (column 18, lines 22-35).

Regarding **claims 21, 27 and 34**, Wheeler discloses the call processing module is further for processing the incoming communication based on recognition of the predetermined DTMF character by the DTMF decoder module (column 18, lines 22-35).

Regarding **claim 22**, Wheeler discloses all the limitations of **claim 22** as stated above in **claim 10**.

Regarding **claims 28 and 35**, Wheeler discloses a method and means for providing a telecommunications service with automatic speech recognition (205 on FIG. 4B) to a telecommunications user (C on FIG. 3) and a calling party (column 1, lines 15-20), (which reads on “an advanced intelligent network with intelligent peripherals interfaced to the integrated services control point”), comprising:

detecting an incoming communication (column 8, line 58 “received dialed digits”) from the calling party (column 8, line 59 “from the calling station”) to the telecommunications user (column 8, lines 57-67) [The central office switching system received the dialed digits from the calling station];

placing an outgoing communication (column 15, line 30 “a prompting message”) to the telecommunications user using an intelligent resource server (IP 35 on FIG. 3) in response to detection of the incoming call transmits the outgoing communication including at least one of a first audible message identifying the calling party to the telecommunications user and a second audible message (column 18, line 30 “provide synthesized speech prompts”) for prompting the calling party to modify a call forwarding profile (column 17, line 65 to column 18, line 35) [The IP 35 prompts the caller to modify services and receives new forwarding number updating the service control data for forwarding the call since the outgoing limitation discloses at least one the examiner chooses modifying the forwarding service]; and

automatically recognizing a predetermined keyword spoken (column 18, line 1 “speech inputs”) by at least one of the telecommunications user and the calling party using an intelligent resource server (IP 35 on FIG. 3), wherein the predetermined

Art Unit: 2645

keyword spoken by at least one of the telecommunications user and the calling party is in response to the outgoing communication (column 17, line 65 to column 18, line 4) [The peripheral platform provides prompts to the caller and receives speech inputs to provide the caller individualized services].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 3 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Hetz (US 5,566,235).



Regarding **claims 3 and 12**, Wheeler as applied to **claims 1 and 10** differs from **claims 3 and 12**, in that it fails to disclose the switch includes a switch of a mobile switching center.

However, Hetz teaches the switch includes a switch of a mobile switching center in communication with the telecommunications device via an air-interface communication scheme (column 4, lines 43-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Wheeler by adding a switch of a mobile switching center as taught by Hetz.

This modification of the invention would offer the capability of a switch of a mobile switching center such as the system would offer totally independent services.

6. **Claims 19, 25 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Wurster (US 6,459,780).

Regarding **claims 19 and 25**, Wheeler as applied to **claims 10 and 22** above differs from **claims 19 and 25**, in that it fails to disclose an enunciation module in communication with the switch for playing the audible message identifying the calling party.

However, Wurster teaches an enunciation module in communication with the switch for playing the audible message identifying the calling party (column 10, lines 8-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Wheeler by adding playing the audible message identifying the calling party as taught by Wurster.

This modification of the invention of Wheeler would enable the system to identify the calling party so that the subscriber would decide whether to answer the call.

Regarding **claim 29**, Wurster teaches placing an outgoing communication includes placing an outgoing communication to the telecommunications user identifying the calling party when it is determined that the telecommunications user is a subscriber of the telecommunications service (column 10, lines 8-20).

***Response to Arguments***

7. Applicant's arguments with respect to **claims 1-39** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.

June 9, 2004

**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

